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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/960,678	09/21/2001	John R. Fredlund	83415RLO	5258

7590 08/11/2006  
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EXAMINER

MILIA, MARK R

ART UNIT	PAPER NUMBER
2625	

DATE MAILED: 08/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/960,678

Applicant(s)

FREDLUND ET AL.

Examiner

Mark R. Milia

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 02 June 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,3-7 and 9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3-7 and 9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Appeal Brief***

1. Applicant's arguments presented in the Appeal Brief in response to the Final Office Action, dated 10/20/05, is persuasive and, therefore, the finality of that action is withdrawn. The new examiner of record is Mark R. Milia.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 3-7, and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5666215 to Fredlund et al. in view of U.S. Patent No. 6483609 to Ueno et al.

Regarding claim 1, Fredlund discloses a method of selecting an image bearing product that requires a particular resolution digital image, characterized a) a user providing a high resolution digital image (see column 3 lines 64-67), b) a service provider providing information which is displayed at the first location, such displayed information including at least two different image bearing products that can be provided

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by the service provider that require at least two different resolution digital images (see Figs. 1 and 3 and column 5 lines 14-18, 35-44, and 49-51), c) the user selecting one of the image bearing products to be provided by the service provider after viewing the displayed images (see Figs. 1 and 3 and column 5 lines 14-18, 35-44, and 49-51), d) the service provider communicating the resolution required for the selected image bearing product to the first location (see column 3 lines 43-67, column 4 lines 10-25, and column 4 line 45-column 5 line 6), e) responsive to the communicated required resolution, automatically converting, the high resolution digital image to a lower resolution digital image corresponding to the selected image bearing product (see column 3 lines 43-67 and column 4 lines 10-25), and f) sending the lower resolution digital image to the service provider (see column 6 line 64-column 7 line 7), g) utilizing the lower resolution digital image to produce the selected image bearing product (see column 7 lines 33-36 and 45-47).

Fredlund does not disclose expressly converting, at a first location, the high resolution digital image to a lower resolution digital image and sending the lower resolution digital image from the first location to the service provider.

Ueno discloses converting, at a first location, the high resolution digital image to a lower resolution digital image (see column 2 lines 46-54) and sending the lower resolution digital image from the first location to the service provider (see column 2 lines 46-54).

Fredlund & Ueno are combinable because they are from the same field of endeavor, conversion of high resolution image data to low resolution image data for subsequent output to a printing device.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the conversion of high resolution image data to low resolution image data prior to transfer, as described by Ueno, with the system of Fredlund.

The suggestion/motivation for doing so would have been to increase transmission speed and reduce the amount of data needed to reproduce an image and in effect decrease the amount of memory needed to store such image data.

Therefore, it would have been obvious to combine Ueno with Fredlund to obtain the invention as specified in claim 1.

Regarding claim 3, Ueno further discloses using a digital camera to capture the high resolution digital image (see Fig. 16 "54" and column 17 lines 12-13).

Regarding claim 4, Fredlund further discloses wherein the at least two image products include prints of different sizes (see Fig. 3).

Regarding claim 5, Fredlund further discloses wherein the at least two image bearing products are different photo albums (see column 2 lines 22-27 and column 6 line 64-column 7 line 7, photo albums are typical options associated with photographic prints and the reference lists a number of options a user can choose from which is open ended and therefore photo albums fall into that category).

Regarding claim 6, Fredlund further discloses establishing a service account for the user with the service provider to permit the user to have access to ordered services (see Figs. 4 and 5 and column 6 lines 42-48).

Regarding claim 7, Fredlund further discloses providing payment for the selected photo product (see Fig. 5 and column 6 lines 42-48).

Regarding claim 9, Fredlund further discloses wherein the converting step further includes modifying the number of bits per pixel to produce the lower resolution digital image (see column 3 lines 43-67 and column 4 lines 10-25).

### ***Conclusion***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. To further show the state of the art refer to the attached Notice of References Cited.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark R. Milia whose telephone number is (571) 272-7408. The examiner can normally be reached M-F 8:00am-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Twyler M. Lamb can be reached at (571) 272-7406. The fax number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Mark R. Milia  
Examiner  
Art Unit 2625

MRM

  
JOSEPH R. POKRZYWA  
PRIMARY EXAMINER